

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SPAR ENTERPRISES, LP D/B/A  
HAMPTON INN HOTEL,

Plaintiff

V.

THE CINCINNATI INSURANCE COMPANY,  
AND ELIZABETH ORTIZ

### *Defendants*



Civil Action No: 5:15-cv-661

## AGREED MOTION TO DISMISS WITH PREJUDICE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Spar Enterprises, LP d/b/a Hampton Inn Hotel ("Plaintiff"), and Defendants, The Cincinnati Insurance Company and Elizabeth Ortiz ("Defendants"), and file this Agreed Motion to Dismiss with Prejudice in the above-styled and numbered cause of action, and for same would respectfully show unto the Court as follows:

I.

This case has not proceeded to trial and the parties have not introduced any evidence at trial.

## II.

Plaintiff and Defendants have entered into a settlement agreement for the purpose of settling and compromising any and all of the disputes and controversies that exist between them. Accordingly, Plaintiff and Defendants desire to dismiss the above-styled and numbered cause of action, with prejudice to refiling same, with costs to be borne by the party incurring same.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendants respectfully request this Court to grant their Agreed Motion to Dismiss with Prejudice, and enter a Judgment of dismissal in the above-styled and numbered cause of action.

Respectfully submitted,

/s/ William N. Allan, IV

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